

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

MAR 31 2015

JULIA C. DUDLEY, CLERK
BY: *S. Taylor*
DEPUTY CLERK

UNITED STATES OF AMERICA,) Case No. 5:09CR00032-2
)
)
)
v.) FINAL ORDER
)
)
MOISES MOREJON,) By: Hon. Glen E. Conrad
Defendant.) Chief United States District Judge
)
)

This action, brought as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, is before the court upon the report and recommendation of the United States Magistrate Judge, prepared pursuant to 28 U.S.C. § 636(b). The magistrate judge reports that the record conclusively shows that the defendant's § 2255 motion was not timely filed; his claims are without merit; he knowingly and voluntarily waived his right to collaterally attack his sentence pursuant to a plea agreement provision; and his § 2255 claims fall within the scope of that waiver. For these reasons, the magistrate judge recommends that the government's motion to dismiss be granted and that the defendant's request for an evidentiary hearing be denied. The fourteen days allotted under § 636(b) for parties to object to the findings and recommendations in the magistrate judge's report have expired, and neither party has filed objections.

Finding it appropriate to do so, it is hereby

ADJUDGED AND ORDERED

that the report and recommendation of the United States Magistrate Judge (ECF No. 109) shall be and hereby is **ADOPTED** in its entirety as the opinion of the court; the motion to dismiss (ECF No. 99) is **GRANTED**; the defendant's request for an evidentiary hearing is **DENIED**, and

and his motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 (ECF No. 95) is **DISMISSED**; and this action is hereby stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

The clerk will send a copy of this order to the defendant and to counsel of record for the government.

ENTER: This 31st day of March, 2015.



Chief United States District Judge